

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

WILL J. GREEAR, JR.,

Case No. SC 16 H 0039

Plaintiff,

Hon. _____

vs.

AMCOL SYSTEMS, INC.,

Defendant.

Will J. Greear, Jr.
In Pro Per
29319 Fieldstone
Farmington Hills, MI 48334
(248) 225-9694

Randall J. Groendyk (P37196)
VARNUM LLP
Attorneys for Defendant
Bridgewater Place, P.O. Box 352
Grand Rapids, MI 49501-0352
(616) 336-6000

NOTICE OF REMOVAL

TO: Clerk of the Court
47th District Court
31605 W. Eleven Mile Road
Farmington Hills, MI 48336

Will J. Greear, Jr.
In Pro Per
29319 Fieldstone
Farmington Hills, MI 48334

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1232, 1441(a) and (b), and 1446(a), (b), and (d), the above-captioned case has been removed by Defendant AMCOL SYSTEMS, INC., to the United States District Court for the Eastern District of Michigan, for the following reasons:

1. This action was commenced in the 47th Judicial District Court, State of Michigan, and was served upon Defendant Amcol Systems, Inc. on March 7, 2016 (*see* Affidavit and Claim, attached as **Exhibit A**).

2. Pursuant to 28 U.S.C. § 1441(a), any civil action brought in a state court of which the district court of the United States has original jurisdiction, may be removed by the Defendant to the district court of the United States for the district and division embracing the place where such action is pending.

3. The 47th Judicial District Court in Farmington Hills, Michigan, is located within the jurisdiction of the United States Court for the Eastern District of Michigan. This Court is the Court embracing the place where the action is pending.

4. This Complaint is removable to the United States District Court for the Eastern District of Michigan, from the 47th Judicial District Court for the State of Michigan, County of Oakland, pursuant to 28 U.S.C. §§ 1331, 1367, and 1441.

5. Paragraph 9 of the Complaint alleges that the Defendant "reported incorrectly on my credit report that I had not paid \$51 to its client for a medical bill. As a result creditors charged me more", which appears to state a claim under the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* As such, this Court has federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331.

6. This Court has supplemental jurisdiction over Plaintiff's remaining claims pursuant to 28 U.S.C. § 1367.

7. This Notice of Removal is being filed within 30 days of the date upon which Defendant was served with a copy of the Summons and Complaint. 28 U.S.C. § 1446.

8. Concurrently, Defendant has provided written notice of this Notice of Removal to Plaintiff, filing a copy with the Clerk of the 47th Judicial District Court for the State of Michigan, County of Oakland, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant removes to this Court the above-entitled action, now pending in the 47th Judicial District Court, County of Oakland, in the State of Michigan, and requests that this action be placed on the docket of this Court for further proceedings as though this action had originally been instituted in this Court.

Dated: March 31, 2016

VARNUM LLP
Attorneys for Defendant

By: /s/ Randall J. Groendyk

Randall J. Groendyk (P37196)

Business Address and Telephone:

Bridgewater Place, P.O. Box 352

Grand Rapids, MI 49501-0352

(616) 336-6000

CERTIFICATE OF SERVICE

The undersigned states that he served a copy of Notice of Filing Notice of Removal upon the following individual:

Will J. Greear, Jr.
In Pro Per
29319 Fieldstone
Farmington Hills, MI 48334

via first class mail with postage prepaid.

Dated: March 31, 2016

/s/ Randall J. Groendyk

Randall J. Groendyk

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Exhibit A

Original - Court (with instructions)
 1st copy - Defendant (with instructions)
 2nd copy - Plaintiff (with instructions)
 3rd copy - Return (with proof of service)

Approved, SCAO

To order this form, call (517) 337-1211
 Target Information Management, Inc.

STATE OF MICHIGAN
 47th JUDICIAL DISTRICT

AFFIDAVIT AND CLAIM
Small Claims

CASE NO.

SC16H0039

Court address

31605 W. Eleven Mile Rd., Farmington Hills, MI 48336

Court telephone no.

(248) 871-2910

See instructions on the back of plaintiff and defendant copies.

1. Will J Greear Jr
 Plaintiff
29319 Fieldstone
 Address
Farmington Hills, MI 48334 248
 City, state, zip Telephone no.
225-9694
 2. Amcol Systems
 Defendant
111 Lancewood Rd
 Address
Columbia, SC 29210 803
 City, state, zip Telephone no.
798-6370

NOTICE OF HEARING**For Court Use Only**

The plaintiff and the defendant must be in court on

TO BE NOTIFIED BY THE COURT

Day

Date

at

at

☐ the court address above.

Time

☐

Location

CERT

Fee paid: \$

Process server's name

- ☐ 3. A civil action between these parties or other parties arising out of the transaction or occurrence alleged in this complaint has been previously filed in _____ Court. The case number, if known, is _____
 The action ☐ remains ☐ is no longer pending.

4. I have knowledge or belief about all the facts stated in this affidavit and I am
☒ the plaintiff or his/her guardian, conservator, or next friend. ☐ a partner. ☐ a full-time employee of the plaintiff.

5. The plaintiff is ☒ an individual. ☐ a partnership. ☐ a corporation. ☐ a sole proprietor. ☐ Other

6. The defendant is ☐ an individual. ☐ a partnership. ☒ a corporation. ☐ a sole proprietor. ☐ Other

7. The date(s) the claim arose are Nov. 30, 2015
 Attach separate sheets if necessary

8. Amount of money claimed is \$ 100 (NOTE: Plaintiff's costs are determined by the court and awarded as appropriate. They are not part of the amount claimed.)

9. The reasons for the claim are Amcol reported incorrectly on my credit report that I had not paid \$51 to its client for a medical bill. As a result creditors charged me more which occurred in Farmington Hills.

10. The plaintiff understands and accepts that the claim is limited to \$3,000.00 by law and that the plaintiff gives up the rights to (a) recover more than this limit, (b) an attorney, (c) a jury trial, and (d) appeal the judge's decision.

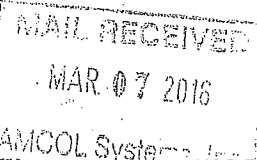
11. I believe the defendant ☒ is ☐ is not mentally competent. I believe the defendant ☒ is ☐ is not 18 years or older.

12. ☐ I do not know whether the defendant is in the military service. ☒ The defendant is not in the military service.
☐ The defendant is in the military service.

Signature

Subscribed and sworn to before me on Feb 22, 2016, _____ County, Michigan.My commission expires: _____
 DateSignature: Baugh
 Deputy clerk/Notary public

Notary public, State of Michigan, County of _____

The defendant(s) must be served by MAY 27, 2016
 Expiration date

ADDITIONAL NOTICE AND INSTRUCTIONS

TO BOTH THE PLAINTIFF AND THE DEFENDANT:

- You must bring to the hearing all witnesses, books, papers, and other physical evidence needed to prove or disprove this claim.
- Before the trial (hearing) starts, you have the right to
 1. **remove the case to the general civil division of the district court**, or
 2. have the case heard by a district court judge (if the hearing is scheduled before an attorney magistrate). If the case is heard by an attorney magistrate, you may appeal to the district judge within 7 days after the trial.
- If the case is tried in the small claims division, you give up the right to an attorney, to a jury trial, and to appeal the judge's decision.

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

TO THE DEFENDANT:

- The affidavit and claim you have just received means you are being sued in the small claims division of the district court.
- The court is being asked to decide a matter that the plaintiff says is your obligation and responsibility.
- If you wish to deny this claim or arrange terms of payment, you must make your request by appearing at the date, time, and place stated in the notice of hearing on the front of this form.
- If you do not appear at the date, time, and place stated, a default judgment may be entered against you for the amount stated in item 8, including the costs of this action.
- If the dispute is settled before or at the hearing, you may have to pay the plaintiff's costs.
- In case a judgment is entered against you at the hearing, you should be prepared to pay the amount stated in item 8, including the costs of this action, or to make arrangements for installment payments.

47th DISTRICT COURT
31605 W. ELEVEN MILE ROAD
FARMINGTON HILLS, MI 48336

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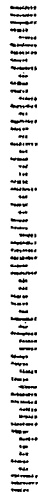


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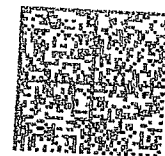
AMCOL SYSTEMS
111 LANCEWOOD RD
COLUMBIA, SC 29210

RETURN RECEIPT REQUESTED

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RETURN RECEIPT REQUESTED



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STATE OF MICHIGAN
IN THE 47TH DISTRICT COURT

WILL J. GREEAR, JR.,

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Plaintiff,

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PLEASE TAKE NOTICE that on March 31, 2016, Defendant AMCOL SYSTEMS, INC. filed the attached Notice of Removal with the United States District Court for the Eastern District of Michigan, by which the above-captioned state court action was moved to federal court pursuant to 28 U.S.C. §§ 1441 and 1446. Pursuant to 28 U.S.C. § 1446(d), Defendant requests that this Court proceed no further.

Respectfully submitted,

Dated: March 31, 2016

Varnum LLP
Attorneys for Defendant

By: /s/ Randall J. Groendyk

Randall J. Groendyk (P37196)

Business Address and Telephone:

Bridgewater Place, P.O. Box 352

Grand Rapids, MI 49501-0352

(616) 336-6000

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